

## STATE RISK IN BANK \$2,000,000

Entire Credit of State  
Not Behind Bank, Ruling

**Important Decision of Supreme Court Regarding Status of Bank of North Dakota as Institution Separate from State Itself Expected to Settle Status of Other State-Owned Industries—Position Made Necessary in Laws Governing Bank by Constitutional Limit Supreme Court Says in Denying Rehearing in Sargent County Garnishment Case—Banks Subject to Garnishment.**

## GRACE DISSENTS FROM MAJORITY VIEW

The Bank of North Dakota "may hazard the capital it has been authorized to use in whatever way may be deemed expedient and within the law in order to make the banking business a success but it can not involve the state by attempting to pledge its credit in transactions the state is expressly prohibited from entering into," declares Justice L. E. Birdzell, of the supreme court, in delivering the majority opinion of the court in declining to grant a rehearing in the Sargent County garnishment case.

Further stating the majority opinion of the court that the Bank of North Dakota can hazard only the \$2,000,000 capital the state has supplied, Justice Birdzell says, the bank, "although owned by the state, is not in fact the state."

The status of the Bank of North Dakota is apparently well defined by the supreme court in its action. Justices Robinson and Christianson sign Justice Birdzell's opinion, Justice Bronson holds against a rehearing in a separate opinion and Justice Grace, who dissented in the first decision, also dissents on the matter of rehearing.

## Limitations of Constitution

Were the Bank of North Dakota and the state one and the same it would be subject to many limitations, Justice Birdzell says, referring to the constitution which prohibits the state from loaning or giving its credit or making donations in aid of individuals, associations or corporations. The court says "we are clearly of the opinion that the violation of the prohibition against lending public credit in aid of corporations, etc., is openly countenanced by considering the state and the bank as the same entity, as is done by the petitioners."

The majority of the court reaffirms its decision that the Bank of North Dakota is subject to garnishment and is in fact a separate agency or in a way, a private institution, a view which Justice Grace declared in his first dissenting opinion would strike down the state institutions.

## How It Affects Bank.

One of the important contentions of proponents of the Bank of North Dakota, in its appeal for public confidence has been that the entire state of North Dakota is behind it and the entire credit of the state is behind the bonds. The court now holds that it cannot involve the state beyond its \$2,000,000 capital.

These limitations, for the reason heretofore stated, are such that the judgment obtained is only binding upon the state to the extent of the capital it has put into the bank. For the purpose of determining this liability the bank is in legal effect an entity, for it is legally incapable of binding the state beyond its interest in its capital funds.

Referring to the constitutional provision, authorizing the state to engage in industries, Justice Birdzell says that the very provision relied upon by Attorney General Lemke to support his argument "that the Bank of North Dakota is the state of North Dakota, we find that the section relied upon prohibits the state from doing the very thing that the legislature has expressly authorized the bank to do and which it has done, namely, loan its credit to individuals, associations or corporations. He continues:

## The Dilemma.

"If the Bank of North Dakota is the State of North Dakota, it could not, therefore, possess any such authority as the legislature has expressly conferred in Section 15 of the bank act. It surely would not be contended that the state, when acting as the Bank of North Dakota, can do the things which the constitution says the state cannot do at all. The state, when functioning as a bank, is still subject to the express limitations of the constitution. The creation of this agency of the sovereign power can not result in a super-state—a government functioning without constitutional restraint. If the bank may hazard the capital it has been authorized to use in whatever way may be deemed expedient and within the law in order to make the banking business a success, but it can not involve the state by attempting to pledge its credit in transactions the state is expressly prohibited from entering into.

## The Bank Law Provision.

"When we extend the examination of statutory and constitutional provisions with a view to determining the character of the agency of the bank, additional provisions are found which demonstrate that the bank, though owned by the state, is not in fact the state. Turning now to chapter 148 of the Session Laws of 1919, which provides for the issuing of the bank series of bonds. After prescribing the formalities for preparation and issuance the law provides in section 4:

"Nothing in this act, however, shall be construed to prevent the purchase of any of said bonds with any funds in the Bank of North Dakota."

"Similar provisions are found in the acts authorizing the issuance of \$5,000,000 of bonds of the mill and elevator series, (Chapter 153, Section 7), in the act providing for the issuance of \$10,000,000 of bonds of the real estate series (Chapter 154, Section 6),

and also in the act authorizing the home building series (Chapter 24, Laws Special Session 1919, Section 6). Section 7 of the Bank Act provides for the deposit of all the state funds in the Bank of North Dakota. (Note, however, the exception of the sinking fund of real estate series (Chapter 154, Laws 1919, Section 7). This, of course, would include the proceeds of the sale of bonds. These proceeds are, in the case of the bank bonds, designated as the capital of the Bank of North Dakota." Section 4, Chapter 148, and, in the case of the mill and elevator series, the proceeds are required to be placed by the Industrial Commission in the funds of the association." Section 7, Chapter 153, and, again, referring to Section 15 of the Bank Act, it provides that the Bank may transfer funds to other departments, institutions, utilities, industries, enterprises or business projects of the state which shall be returned with interest to the bank. Now referring to Section 175 of the constitution which reads:

"No tax shall be levied except in pursuance of law, and every law imposing a tax, shall distinctly specify the object of the same, to which only it shall be applied."

It is pertinent to inquire what relation the bank or the state sustains with reference to the various deposits of public funds required to be deposited therein.

Would Lose Character.

"If the bank is but the state holding these funds as a mere custodian, as a treasurer would hold them, they would lose their character as public funds, and if the bank, in all its business relations, is but the state, whenever it would follow the express direction contained in the law to transfer, invest or loan its funds, it would do so in the direct pursuit of a governmental object. Manifestly, if this governmental object should differ from that for which the funds were originally raised by taxation, the mandate of Section 175 of the constitution, requiring tax monies to be applied to the purpose for which they were raised, would clearly be violated. Can it be seriously contended that monies raised by taxation for the support of the public schools in a remote section of the state are authorized to be used for the purpose of building a home for a bank cashier in the Capital City of the state? This is the logical result of the petitioners' argument. The steps are these: The bank is the state because the constitution authorizes the state to engage in the banking business. The things that are done by the bank are therefore done by the state in pursuit of whatever governmental object the bank is authorized to attain. To attain these objects, public monies are required to be deposited in the bank, there to be used through loan or transfer to finance any of the authorized operations. The flaw in the argument as we see it, is this: It not only ignores the effect of express constitutional limitations upon the powers of the state government itself, but it ignores as well the legal effect of what the legislature actually did when it authorized the use of the credit of the state for the purpose of supplying capital funds to be used to form a separate organization through which it might seek to accomplish certain governmental ends. In attaining these ends, if the state should act directly, it would be hampered by reason of express constitutional limitations. But in the act providing for the issuance of \$10,000,000 of bonds of the real estate series (Chapter 154, Section 6),

(Continued on Page 2)

VOTERS TAKING  
THEIR TIME IN  
CITY ELECTION

Vote Disappointing to Those Who Believed There Would Be Rush

## "ELECTION DE LUXE"

Partisans Busy With Automobiles Getting Voters to the Polls

Voters were slow in getting to the polls in the city election today. Although this was the "election de luxe"—there are enough automobiles to carry nearly everybody to the polls—early this afternoon the vote was lighter than was expected. The diligent efforts of partisans manning automobiles, however, was expected to bring out hundreds before the polls close at 9 p. m.

In the Sixth ward, voting place at the fire hall, the women put the men to shame. At 1 o'clock this afternoon 158 women had voted and only 125 men had cast their ballots. There were nearly 700 votes cast in this ward at the last general election.

In the Fifth ward 95 men had voted to 29 women early in the afternoon. The vote in the ward was estimated at about 400.

In the Second ward, precinct No. 1, voting place at Will school, 100 men had voted and 64 women at 1:30 o'clock. This was a little more than half the expected vote.

At the high school 125 men had voted to 78 women early in the afternoon. The total vote of the ward is about 600.

It was generally predicted that the total vote in the city election would not exceed 3,000, and perhaps fall short of that number. A larger percentage of the woman vote was expected this afternoon, with many men not voting until late this evening.

ROAD BODY HAS  
AN AUDIT MADE;  
ACCOUNTS O. K.

Good Roads Magazine Is to Be Issued in Near Future

The auditing committee of the North Dakota State Good Roads Association met at the secretary's office in this city yesterday afternoon and audited the books of the association. Those present were President J. J. McGehee, Vice President J. L. Bell and Director Phil Meyers of this city. The committee found everything in ship shape condition. Audits will be made each month, so that every penny will be accounted for.

The offices of the North Dakota State Good Roads Association have been moved to the Lucas block, and everyone interested in good roads for North Dakota are invited to call and make themselves at home.

The North Dakota Good Roads Magazine will be issued this month for the first time, and will be sent to all members of the association, as a portion of the membership fee is devoted to subscription to the magazine. It will be a 32-page book, and will contain besides news pertaining to road building, a carefully selected line of advertising that has to do with road building and maintenance. The first issue will be 3,000 copies, but in a few months the circulation will climb to 10,000.

Germany has still in store machines, horses and railroad material worth about 100,000,000 francs to Belgium.

Housecleaning Time  
Is Now Upon Us

Let a Tribune Want Advertisement help you clean house, and prepare for the summer months. Doubtless there are in your homes articles for which you have no further use, but which if advertised may find a ready sale. Those extra chairs, beds, or other articles of furniture can be turned into ready money through the medium of a want advertisement. Have you a vacant room for rent or house for sale or rent? Try a classified advertisement—

THEY GET RESULTS!

HARDING NOT  
COMMITTED ON  
ENDING WAR

U. S. Senators However, Say That Peace Resolution Is to Be Passed

## NOT TO ENTER LEAGUE

U. S. Senators Are Against America Joining Treaty Covenant

Washington, April 5.—President Harding is not committed to any definite program with regard to a Congressional declaration to declare the state of war with Germany at an end. While the president voted for the Knox resolutions when he was a member of the senate and spoke favorably with regard to it in his address of acceptance he is understood to feel that there is no occasion for precipitate action at this time.

The president's views with regard to the peace program are expected to be made known at the opening session of the new Congress, which the executive may address in person. Meantime, it is known that the president and his advisers are growing more and more convinced that there is no practical way to consider the Versailles covenant.

WASHINGTON, April 5.—The Harding administration intends to terminate the war between the United States and Germany by congressional resolution, Mr. Viviani, French envoy extraordinary to this country, is understood to have been informed last night of a dinner at the home of Senator McCord of Illinois.

The former premier was also informed, it was said by Senators present, that the program of the administration does not contemplate entrance of the United States into the league of nations.

Those at the dinner stated that Mr. Viviani had been told frankly that it was useless to discuss the possibility of American membership in the league of nations. Most of the Republican members of the senate foreign relations committee and Colonel George Harvey of New York prospective ambassador at the Court of St. James, were among those present. The French envoy, who was accompanied by Ambassador Jusserand, was said to have been informed that sentiment of Republican leaders was virtually unanimous for adoption of the Knox separate peace resolution, subject only to possible amendment from its original form, early in the special session of congress. Mr. Viviani was described as appearing "reconciled" to the situation.

## PARIS VIEWS.

Paris, April 5.—Newspapers of this city devoted much space today to the correspondence between Charles P. Hughes, American secretary of state, and Dr. Walter Simons, German foreign minister, relative to responsibility for the war and reparations.

Most of them expressed great satisfaction with the reply of the American secretary.

SEE ANOTHER MOVE.

London, April 5.—It is believed here Germany's next move will be a direct approach to the allies. As to this it is stated in official quarters that no German proposal will be dismissed without serious condition by the allies.

LONDON, April 5.—Official British opinion on the note sent by Secretary Hughes to Berlin on the reparations question, it was learned today, is that Germany failed dismally in her attempt at a new method of solving the reparations problem—that of approaching America for assistance.

British officials believe Secretary Hughes' note indicates a refusal by the United States to be a party to responsibility for the war and reparations payment.

TAX EX-SERVICE MEN.

St. Paul, April 5.—The house today passed a bill memorializing Congress to remedy conditions affecting the rehabilitation of ex-service men.

IDAHO IS HIT  
BY BLIZZARD  
AND BIG SNOW

Follows Earliest Spring on Record and is Continuing

IDAHO FALLS, Idaho, April 5.—With a high wind ranking the worst blizzard of the year struck here late yesterday afternoon and has continued all night with unabated fury, piling the streets in twelve hours with over two feet of snow. This storm followed on the heels of the mildest and earliest spring on record.

PLAN RALLY  
FOR NESTOS

MINOT, N. D., April 5.—Plans are being made for a rousing rally for R. A. Nestos, Independent recall candidate for governor, here the latter part of the week.

The program will include an old-fashioned torchlight parade and a mass meeting following in the high school auditorium.

N. D. WOMEN TO  
PAY POLL TAX

North Dakota women, having become citizens and voters, must pay a school poll tax, George E. Wallace, state tax commissioner, has just issued instructions to assessors to list all women of 21 years or over for the school poll tax at \$1.50 each year. Women are exempted from the road poll tax of \$1.50, because the constitution makes it applicable only to male citizens, Mr. Wallace said.

If every woman in the state paid a poll tax the school funds would be enhanced by about \$1,000,000.

GERMANS ARE  
DISAPPOINTED  
IN U. S. VIEWS

Newspapers Can Find No Solace in Statement of Secretary Hughes

BERLIN, April 5. (By the Associated Press).—German newspapers commenting today on the communication from Secretary Hughes regarding reparations, express disappointment. They find no basis in it for the previous optimism that the United States would support Germany financially or give moral support in seeking relief from indemnity demands. The Pan-German organs criticize the Washington administration for its insistence upon the false assertion that Germany brought on the war and must accept the responsibility for it. The only light seen by the press is the phrase that Germany "is morally bound to make reparations so far as may be possible."

CLAIM OUTRAGES  
NUMBER 10,894

LONDON, April 5.—Dennis Henry, attorney-general for Ireland told the House of Commons there were 10,894 outrages against the British military forces in Ireland the past year.

WING TO HOLD  
ELECTION ON  
VILLAGE PLAN

Petitions Filed With Commissioners to Incorporate Townsite

Wing wants to fly into the class of an incorporated village. The county commissioners, meeting here, approved petitions for an election to be held Saturday, April 23, when the people of Wing will determine if it shall become an incorporated village.

With the petitions filed with the commissioners was a plan of the townsite of Wing. The petitions indicated the population of Wing to be nearly 300.

It is required that an election be held to determine the matter and the election, set for April 23, will be held in the Wing school house.

RELEASE BOY  
BANDIT FOR  
OBSERVATION

FARGO, N. D., April 5.—Lorraine Nolan, 17, charged with robbing the First State Bank of Tokio, N. D., on March 27, has been released on \$2,000 bonds furnished by his father, and will be observed by physicians to determine his sanity. The boy held up the bank, according to police authorities, and escaped with \$250. He was arrested shortly after the robbery.

## TO LEASE STATE LANDS

DICKINSON, N. D., April 5.—A. D. Gunderson, state tax commissioner, has announced that the annual leasing of state lands in the Stark county will be held at the courthouse April 22 at 2 p. m.

TAX EX-SERVICE MEN.

St. Paul, April 5.—The house today passed a bill memorializing Congress to remedy conditions affecting the rehabilitation of ex-service men.

## A PROCLAMATION!

The natural forests of our country are rapidly being depleted by the axe and by fire, without adequate effort being put forth to replace these losses by the planting of more trees and systematic conservation of those yet remaining.

In our own state Nature has given us few forests, which places upon man the responsibility for the propagation of these sturdy servants of mankind.

The custom of observing in each year a day on which to plant trees and shrubbery is a time-honored and beneficent practice that should become more general and even more intensive. There should not be a farm or city home in our great state without its trees and bushes.

To encourage the planting and culture of trees, I, Lynn J. Frazier, Governor of North Dakota, do hereby designate:

FRIDAY, APRIL 22nd, AS ARBOR DAY and commend to the pupils in the schools and to all our people the planting of shade and ornamental trees near dwellings and along country highways and city streets and on unused lands that in years to come our fair land may become even more beautiful because of the grove-dotted and adorning the landscape.

Done at the Capitol at Bismarck, this first day of April, A. D. 1921.

By the Governor: Thomas Hall, Secretary of State.

IMMIGRATION ASSOCIATION  
FORMED BY REALTY MEN OF  
BISMARCK TO BOOST COUNTYTRANSPORT MEN  
MAY STRIKE IN  
ENGLAND SOON

Consider Sympathetic Action With British Miners

## COMMITTEE CONSIDERS

After Long Debate Matter Is Taken Up By Workers Executive Committee

LONDON, April 5. (By Associated Press).—For three hours this morning 300 delegates of the Transport Workers Federation assembled to continue the attitude of the organization on the strike of British miners, reaching a decision. The conference adjourned shortly after noon until 10:30 o'clock Wednesday morning. This afternoon the national executive board of the transport workers continued consideration in secret sessions the question of joining the miners in their strike. The executive body probably will have recommendations to offer as to the transport men's attitude at tomorrow's plenary session of the delegate body.

LEAGUE DROPS  
PLANS TO HOLD  
COUNTER RECALL

State Committee Meeting in Fargo Seeking Fund of \$150,000

FARGO, N. D., April 5.—The Non-partisan league will not invoke a counter recall, it was announced today.

The announcement of the state executive committee said that it was felt that the recall had been proposed against league officials without good reason and that the league could not take the same position. The matter of expense was said to be another consideration.

The league committee voted to put speedy action into the collection of a campaign fund of \$150,000.

The league executive committee thinks the recall may be held before November 8.

BERGDOLL IS  
UNSUCCESSFUL  
IN COURT PLEA

Draft Evader Must Stay in Disciplinary Barracks

TOPEKA, Kan., April 5.—Efforts of Edwin R. Bergdoll, Philadelphia draft evader, to obtain his release from the army disciplinary barracks at Leavenworth were defeated today when Federal Judge Pollock, of Kansas City, Kan., denied Bergdoll's application for habeas corpus. The decision was filed in the federal district court this morning.

TO LEASE STATE LANDS. Dickinson, N. D., April 5.—A. D. Gunderson, state tax commissioner, has announced that the annual leasing of state lands in the Stark county will be held at the courthouse April 22 at 2 p. m.

TAX EX-SERVICE MEN.

St. Paul, April 5.—The house today passed a bill memorializing Congress to remedy conditions affecting the rehabilitation of ex-service men.

30 LIVES LOST  
IN JAP STORM

TOKIO, April 5. (By the Associated Press).—Great property damage was done and 30 lives lost in a terrific storm which swept the southern coast of Japan Sunday night. Telephone and telegraph lines are prostrated throughout the southern part of the empire. Tokio is still in darkness and a number of houses were destroyed here.

CHARLES STARTS  
OUT OF HUNGARY

BUDAPEST, April 5. (By Associated Press).—Former Emperor Charles departed from Steinmanger, in West Hungary, near the Austrian border, at 10:35 o'clock this morning on his way out of Hungary. Premier Teleky made this announcement in the national assembly this afternoon.

SUPREME COURT  
HAS CLEAR SLATE

When the supreme court assembled today, it did not have a single matter before it that had not been decided.

J. H. Newton, clerk of court, claims this is a record for supreme courts.

The clerk was informed that the record would stand for but a short time, for a matter was to be brought before the court today.



## Wait a Minute

AND LISTEN:—If you are looking for a good house, let us show you this one, a client of ours is leaving the city, and instructs us to sell his modern home, 6 rooms and bath, furnace heat, full basement, hot and cold water, 3 big closets, hard wood floors, east front, excellent location, house not over 4 years old. A good buy for the right party. Terms will be granted. If you are looking for an up to date, good house, you must see this before you buy. Price very reasonable. Shown by appointment.

**HENRY & HENRY, Phone 961**  
Real Estate and Investments  
Office 4th St.

**GIRL FRACTURES SKULL**  
SHELDON, N. D., April 4.—One of the little daughters of William Leach of this vicinity, had her skull fractured when the school bus in which she

## To the voters of the City of Bismarck

Bismarck, N. D., April 4, 1921.

Ladies and Gentlemen:

The undersigned, candidates for election to the city commission, desire to express our appreciation of the hearty support that has been offered us by many citizens.

We stand firmly on the platform that we have already presented to the people of Bismarck and deprecate the injecting of new issues when it is too late for citizens to inquire into the facts.

We have avoided personalities or offensive references to other candidates and no circulars or statements to the public have been approved or authorized by us that did not bear the signatures of the candidates or reputable citizens.

We especially condemn any attempt, if such is made, to publish offensive or personal matter on the last day of the campaign and assure you that we are in no way responsible for anything that may have or may appear over "publicity," "Campaign" or other committees, or impersonal and irresponsible signatures.

F. H. REGISTEE.  
HARRY A. THOMPSON.  
S. S. CLIFFORD.  
(Political Advt.)

## RECALL PLANS ARE OUTLINED BY COMMITTEE

Committee of Twenty-one to be Doubled by Addition of Women

### SIGNING PETITIONS

Committee Asserts That State is Aided if Sale of Bonds is Prevented

Grand Forks, N. D., April 4.—Plans for the recall campaign against the present members of the State Industrial Commission were discussed at a meeting of the Independent Joint Campaign committee held here Sunday night and this morning.

The first step in the campaign will be the formation of the committee of 42 to manage the campaign, which will be done by the addition of 21 women to the present committee of 21. Seven of these women will be named by the Republicans, seven by the Democrats, and seven by the Independent Voters association.

This will be followed by the organization of the Auxiliary committee to consist of one man and one woman from every legislative district of the state. These two committees are aimed to give the Independent's a thoroughly Democratic organization with full representation for the women. It is stated.

**Committees Views**  
The following statement was made by the committee this morning after its meeting:

"The voters of North Dakota who have the welfare of the state at heart are almost unanimous in their approval of the Devils Lake convention. There has never been such a general approval of candidates and program at the beginning of any campaign since Townsleyism became an issue in North Dakota.

"The signing of the recall petitions has been taken up with renewed vigor. New recall petitions are not needed.

"There is every indication now that thousands of Independents who in previous campaigns have been inclined to dodge the fire of the League leaders will get boldly out in the open for an 'Over the Top' drive.

"The walling, begging and bragging of the Townsleyized press indicate that the leaders of the League see the hand writing on the wall. They know that a very large majority of the voters will vote for a program of financial relief, peace and prosperity. Townsleyism is doomed. It will fall in North Dakota not later

# Service

THAT'S OUR MIDDLE NAME

You'll like our clean, fire proof, centrally located storage. The best tires, batteries, accessories. Open all night.

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than November 8. It will fall everywhere short after it falls in our state.

"If by bringing on this recall election we have succeeded in preventing our present state officials from selling bonds. The state has been saved many times the cost of the recall election because as long as the Industrial Commission remains as it is and the Bank of North Dakota is allowed to receive deposits, money that might be obtained by selling bonds would be subject to the same misuse as the current tax money has been up to this time.

**View of Bond Sale**  
"Under our laws as they are our state officials can use money obtained from the sale of bonds for the support of bonds of their political machine instead of paying back to political subdivisions the money due them. John Hagan, Commissioner of Agriculture has boldly stated that they are willing to spend \$185,000 of the public money for the promotion and protection of their political machine by paying it out for political advertising.

"Everyone who understands our needs, realize that the state must get considerable money from outside of the state in order to prevent further loss and get our state and local governments back to normal and that the most profitable and quickest way to do it is to issue refunding bonds as the direct obligation of the state as is provided for in the proposed constitutional amendment which also reduced the possible bonded indebtedness of the state from \$12,000,000 to \$7,750,000.

**Claims Money Lost**

"The state officials to be recalled have already been the means of losing several million dollars of public money. The taxpayers must make good that loss some time. The sooner we take it, the smaller it will be and the sooner we get our credit restored the greater the number of

people that will be saved from embarrassment.

"We are going over the top this fall, and we will have the grandest Thanksgiving celebration this fall that North Dakota has ever seen."

## JOHNSON TAKES UP WORK TODAY AS CO. AUDITOR

Succeeds T. J. Flaherty — John Bowers to be Deputy

A new county auditor is on the job today. Frank Johnson, elected last fall,

took office today, succeeding T. J. Flaherty. Mr. Flaherty has accepted a position traveling for a Fargo printing house. No difficulty attended the assumption of office by Mr. Johnson, as he has been deputy in the office.

John Bowers, formerly in the state auditor's office will be deputy county auditor. Katherine Lyons entered the office today, taking the position made vacant by the departure of Katherine McGarvey. Everett La France and Miss Sadie Sempel are the other members of the auditor's office staff. Mr. Johnson filed bond in the sum of \$5,000 in assuming the office.

**CHILDREN'S COLDS**  
should not be "dosed." Treat them externally with—  
**VICKS VAPORUB**  
Over 12 Million Jars Used Yearly

**BATTERY SERVICE**  
EXCLUSIVE ELECTRICAL SPECIALISTS  
Service and parts for Delco, Remy, Northeast and Auto Lite starters, Bosch, Elsmann and K-W Magnets, Exide and Minnesota batteries, and Klaxon horns.  
**ELECTRIC SERVICE & TIRE CO.**  
Bismarck, No. Dak.

Beginning April 1st

**OPEN ALL NIGHT**  
Monthly Storage \$8.00 Transient Storage 50c

**CORWIN MOTOR COMPANY**  
Phone 700

## ATTENTION

TO THE CONSUMERS OF LIGHT, HEAT AND POWER, BISMARCK, N. D.

At various times during the year 1920 the Hughes Electric Co., filed with the State Railway Commission schedules of increased rates, which increases will add annually to the cost of the consumers of light, heat & power approximately \$40,000.00.

The income of this corporation for the calendar year ending Dec. 31st, 1920, was as follows: For Light, \$87,285.89; Heat, \$66,384.49; Power, \$48,184.85; Electric Cooking, \$10,684.28; Miscellaneous Income \$3,208.83; less bad debts and corrections \$348.51, leaving a gross income of \$215,399.83. This gross income would have been much larger had all of the increases which the Hughes Company charged been in effect for all of the year, but the different raises took effect at different periods of the year 1920. The respective raises which are now in effect were as follows: 16% on light, 30% on heating, and 11% on Power and Electric Cooking.

Immediately after receiving filing on April 5th, 1920, of the schedule for increase of rates on power and cooking and May 1920 the schedule for increase in heat rates and on August 30th, increase in rates for General Lighting purposes; the State Railway Commission did notify in writing the President of the City Commission, of the City of Bismarck, of the filing of such schedules attaching to said notice a copy of each of said schedule.

By default on account of the non-appearance of the City of Bismarck each and all of said raises in electricity and heating rates went into effect as provided by law 30 days after the filing of the schedules and such rates are now and have been in effect and collection made from the consumers thereunder.

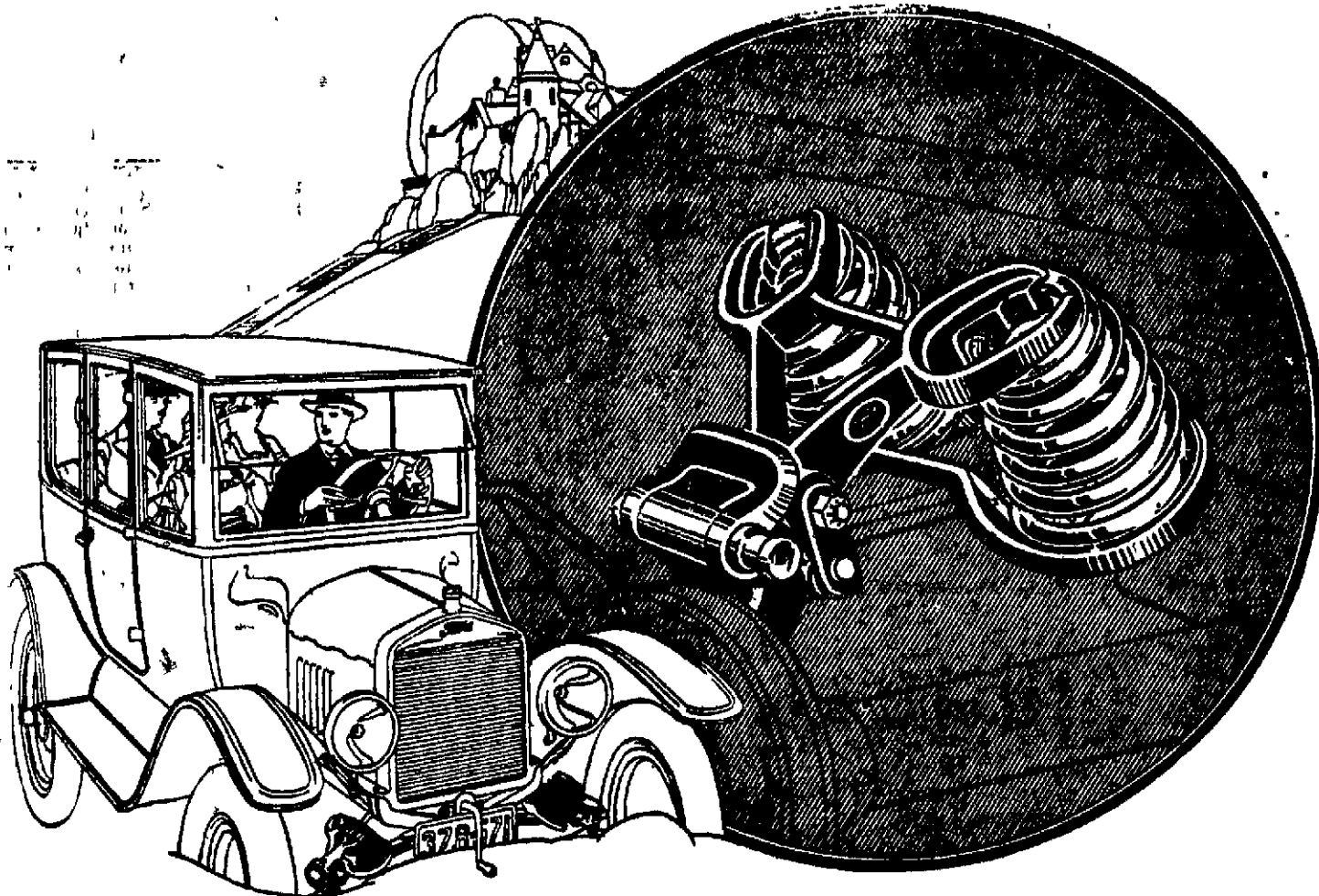
The failure of the City Commission to defend the consumers interest by directing the City Attorney to appear after the filing of each of said schedules for increase in rates for the purpose of compelling this Utility to show cause why such increased rates were necessary caused the necessity for the consumers themselves to defend their interests in order to prevent the continuance of these extortionate rates and to this end, on January 8th, 1921, 89 consumers filed a complaint with the Railroad Commission condemning and protesting against the continuation of these rates.

On January 29th, 1921, the Railroad Commission ordered a preliminary hearing. At such hearing the Hughes Electric Co. was represented by Mr. Cox a member of the Law firm of O'Hare & Cox. The City Commission not being represented, the consumers were represented by the Attorney General and Mr. Hellstrom. A subsequent hearing was held on the 1st of April at which time the City Attorney Mr. O'Hare appeared for the City of Bismarck and Mr. Hellstrom for the consumers while the Hughes Electric Co. was again represented by Mr. Cox of the Law Firm of O'Hare & Cox. This hearing was adjourned to April 26th, 1921, in order to permit the Railroad Commissioners Engineers to complete an appraisal of the Hughes Electric Company plant.

We now come to the vital part of this hearing, which means so much to the users of Electric Light, heat and power and for the reduction of the Onerous and excessive charges now fastened upon you, thru the neglect of our city officials. The burden is now placed upon you. "Eternal Vigilance is the price of Liberty."

We have shown you the necessity for looking out for your financial interests and for managing and conducting your own case. Of necessity there will be some expense attached to the successful prosecution of this proceeding. It may cost the sum of \$1500, and in order to distribute this expense equitably and to make it fall pro-rata on those who received the largest benefits from a successful termination of the suit we suggest and recommend that each patron of the Hughes Electric Co. mail a check to The Committee equal to one-tenth of your December 1920 heat, light and power bill. Do this at once as the time for final determination of this important suit is close at hand. Namely, April 26th, 1921. We have every reason to believe that the suit will terminate to your interests as the Supreme Court of the State has in effect decided the matter in connection with the Electric Light Plant at Fargo, and Grand Forks.

Public Utilities Committee  
Frank Harris, Chairman.  
P. O. Hellstrom,  
Secretary & Treasurer.  
—Advt.



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# MANDAN NEWS

## HOLD FUNERAL OF WATERMAN AT 1:15 TODAY

Death Strikes Twice in Same  
Family in One Week—Heart  
Trouble Cause

The funeral of Harry Waterman, who died Sunday of heart trouble, was held yesterday from the Kennelly chapel. The beautiful services were in charge of the Odd Fellows.

This is the second death in the same family within a week. Mr. Waterman was a brother of Mrs. Eugene Reymann, whose husband died Friday of paralysis.

Mr. Waterman came from Marathon, Iowa, a little over a year ago to aid in the farm work of his son-in-law, Mr. Hudson of Price.

He became ill several weeks ago and came to Mandan to the home of his sister, Mrs. George Dailey, and was taken to the hospital Saturday for treatment.

Mr. Waterman leaves besides his widow in Iowa and his daughter, Mrs. Hudson, three sisters, Mrs. George Dailey, Mrs. Couch of Marathon, Ia., and Mrs. Eugene Reymann of Mandan.

**Fargo Guest.**  
Miss Marie Hollingsworth, a Fargo teacher, was the week-end guest of Miss Marie Malloy of the Johnson store business department.

**From Coleharbor.**  
Miss Myrtle Johnson and Mrs. Stron of Coleharbor spent the week-end in town on a shopping trip.

**Degree of Honor.**  
The regular meeting of the Degree of Honor will be held at the home of Mrs. Paul LaFrance, 1010 Ave. C, on April 5th. All members are requested to be present.

**Stanton Couple Married.**  
Mill Eldron Brown and Oscar Slindo, both of Stanton, were married Saturday afternoon in Mandan by Rev. Hugh Owen of the Presbyterian manse. The couple, after a brief honeymoon, will make their home at Stanton.

## ENTIRE CREDIT OF STATE NOT BEHIND BANK, RULING

(Continued from Page 1)  
to use in conducting the particular business. To make the business a success it may be necessary to vest in its agencies powers that could not be conferred on public officers whose acts as such would bind the state unqualifiedly. These agencies hazard only the appropriated capital, not the public credit. Doubtless it was partly on account of these limitations that it was thought best to appropriate a certain capital for use in the banking business and to create a bank organization which, using this capital fund as its basic security, could so handle the funds deposited with it as to realize the governmental objects sought without trenching upon the constitutional limitations applicable to the state itself. It can not be reasonably contended that the constitutional authority to engage in certain business nullifies by implication express limitations on the power of the state government, especially where these limitations are embodied in amendments adopted concurrently with those giving the authority.

**Relation As Debtor.**  
"We have no doubt that under the Bank Act the bank sustains the relation of debtor with respect to all of the deposits, both public and private, that are placed in it. It is simply the authorized depository of the public funds, and holds them in the same capacity that private depository banks customarily held them before the Bank of North Dakota was created. There is a vast difference between this relationship and an official custodianship in which the official is using the funds in furtherance of the particular purpose for which they were raised by taxation.

"Pursuing the subject of legislative intent further in the light of still another constitutional provision: Article 31, of the Amendments to the Constitution so amends Section 182 of the original Constitution as to authorize the issuance of unsecured bonds to

## RIGLER GETS SPARK BACK

B. M. Rigler of Rosen's Clothing store, has recovered his diamond which he lost last Friday when it worked loose from the prongs of his ring.

It was found by a dishwasher in one of the restaurants on the sidewalk in front of the Mandan Drug company's store. The finder did not realize its value and showed it to a friend who took it to a jeweler who pronounced it a No. 1 stone.

Archie Miller, the friend, had read in the Bismarck Tribune of Mr. Rigler's loss and got in touch with him. It fitted the prongs exactly.

**ENGINEERS TO SURVEY ROAD.**  
W. G. Black and E. R. Griffin have been named by the state highway commission as the engineers to lay out the road from Mandan to the new bridge.

**SUFFERING FROM PNEUMONIA.**  
Rev. C. H. Brown of the Episcopal church is at the Mandan hospital suffering from an attack of pneumonia.

**Here from Judson.**  
Bruno Just of Judson is here for several days.

**Visited Relatives.**  
Mr. and Mrs. John Tavis and Lawrence Tavis visited relatives at Glen Ullin Sunday.

**Returned from California.**  
Mrs. William Simpson has returned from California. Mr. and Mrs. Simpson will move May 1 into their new home on Secor Street, N. E.

**Savoy, Union Manager.**  
P. E. Savoy of Minneapolis has taken over the management of the Western Union office.

**War Mothers' Meeting.**  
The War Mothers are holding their regular monthly meeting this afternoon at the Commercial club rooms.

**To Hold Regular Meeting.**  
A regular meeting of the Mandan Lodge No. 8, A. F. & A. M., will be held tonight.

**Guest of Ralph Ployhar.**  
Mr. and Mrs. O. E. Cleve of McClusky were over Sunday guests of Mr. and Mrs. Ralph Ployhar.

to the extent of \$2,000,000 certain real estate bonds, and bonds secured by real and personal property of state-owned utilities up to \$10,000,000. It then provides as follows:

"No future indebtedness shall be incurred by the state unless evidenced by a bond issue, which shall be authorized by law for certain purposes."

**Borrowed \$1,000,000.**  
"We have previously referred to the fact that the Bank of North Dakota has borrowed \$1,000,000, thereby, of course, becoming indebted in that sum. It is doubtless authorized by the Bank Act to borrow money. If it could borrow such greater sums as its business seemed to warrant without collateral or with whatever collateral there be demanded by the lender, and for every dollar so borrowed, if the contentions of the petitioner are correct, the state would be liable. Not only would the state be liable, but the creditor could obtain a judgment only against it which he could satisfy only by resort to the state treasury being denied access to the resources of the bank. Thus, the limitation contained in Article 31 of the Amendments which was adopted at the same election as Article 32, authorizing the state to engage in business, would be effectually nullified.

**School Funds For Houses.**  
"Some attempt is made to show that the limitation against future indebtedness does not apply where, as a result of the transaction, there is a corresponding amount of funds available for meeting liabilities. Conceding that this argument is to some extent applicable where a municipal corpor-

ation desires to borrow money for an authorized purpose and where it already has certain funds in the treasury applicable to outstanding obligations so that the debt limit may be properly calculated by subtracting from outstanding debts the available funds in the treasury. (Anderson vs. International School District, No. 5, 32 N. D. 413, 156 N. W. 54). It is clear that it has no application to such a situation as that presented here, if the argument is valid as applied to the borrowing power of the state in its present circumstances, considering the bank as the state, it is obvious that the language 'No future indebtedness shall be incurred by the state unless evidenced by a bond issue, which shall be authorized by law for certain purposes,' means nothing. There would be no limit, as every exercise of the power to borrow would simply result in increasing available funds and the transaction could be repeated ad infinitum. A concrete example may serve to illustrate the fallacy of the argument. If the funds on deposit, public or otherwise, in the Bank of North Dakota seemed to the management to justify it, the bank might purchase \$5,000,000 of the bonds of the mill and elevator series. It would still owe to the depository the amount of deposits thus invested, but the state would owe the bank a like sum. Then the bank might borrow \$4,000,000 elsewhere, pledging these bonds as collateral, in which event the state, if petitioner's argument is sound, becomes indebted to the extent of \$9,000,000, only \$5,000,000 of which is represented by bonds. Then this \$4,000,000 could be used to buy more bonds to serve as collateral for another loan, and so on. What then has happened to this provision of the constitution?

"No future indebtedness shall be incurred by the state unless evidenced by a bond issue, which shall be authorized by law for certain purposes."

No bonds were issued for the \$4,000,000 of obligations and the purpose for which the loan is made is not clearly defined by law. It may be any purpose the managers of the bank deemed proper. The proceeds could be transferred to any department or industry, or released under the Bank Act, or used to purchase other bonds of the state.

**Right of Garnishment.**  
In concluding Justice Birdzell declares that "to hold that a bank may not be made a garnishee is, in effect, to read into the statute, Section 183, C. L. 1913, a prohibition that is not there. The legislature, it must be assumed, was just as familiar with garnishment as it is, or as the court was with attachment and execution, and with the differences in the operation of those remedies. When it prohibited attachment and execution against banking associations, therefore, omitting garnishment, it must be assumed that the omission was intended."

**Bronson's Views.**  
Justice Bronson, in beginning his opinion in the case, refers to the allegations of Justice Grace, in his dissenting opinion in the case when it was first decided, that the court's decision was "judicial legislation." Justice Bronson says:

"The defendant has filed a petition for rehearing wherein it is contended again that the Bank of North Dakota is the state and, as such, is not subject to garnishment, and, further, that this court judicially legislated in holding to the contrary. The petition presents no legal issues that have not been fully considered by the court, it presents no legal determinative issues other than those considered and determined by the majority opinion. It re-asserts many of the contentions made by Justice Grace in his dissenting opinion. Both the petition and the dissenting opinion, therefore, merit consideration not only by reason of the importance of the case but also because of an interpretation attempted to be placed upon the majority opinion and the presentation of issues hereby, that lead far afield from the determinative issues in this case. To state that a court is judicially legislating concerning, or judicially destroying a state enterprise or industry, is perhaps easy in bald assertion.

but difficult in demonstration. Upon this court is imposed the sworn duty to uphold the constitution of this state, as well as its laws, not one constitutional provision, not one law, but all of them. The same sovereign power, the people, that have sanctioned the constitution, and the laws thereunder, imposed this duty upon the court. Amidst the turmoil and strife of partisan controversy in this state, the noise and rumble of which are heard within and without the state, the judiciary, if it shall perform its sworn duty, fearlessly and independently, must if it shall perform its sworn duty, fearlessly and independently, must determine legal controversies upon the law and legal issues. The law is the constitution, paramount, the statute, subordinate. All the law when harmonious and consistent. The latter must be upheld when, upon interpretation, it may be rendered harmonious and consistent with the constitution. Otherwise, it must yield to the paramount law. This law, the whole law, as it is written, must be upheld, pursuant to its imposed duty, disregarding and unmindful of the partisan clamor of approval or disapproval resulting. Mortal men err; judges err; mortal men differ; so do judges. But upon question of law, upon legal issues, must judges, upon their conscience and sworn duties, differ. Thus, disregarding neither the sincerity of purpose of the attorney general in his petition, nor the vigorous dissenting opinion of our honorable associate justice, the pertinent legal questions are to be approached and considered."

**The Two Questions.**  
What Justice Bronson termed the two issues of the case again were stated: (1) Is the Bank of North Dakota, the state, and (2) Is it subject to garnishment?

The justice points out that the statute provided that action may be maintained in the name of the State of North Dakota doing business as the Bank of North Dakota, and asks: "Why the need of any man handle to the name of the state, if the bank is the state? Judge Bronson cited the state bonding fund, under the management and control of the commissioner of insurance, and points to decisions to the effect that the commissioner may be sued and judgments rendered against the fund. He also cited the U. S. Shipping Board Emergency Fleet corporation created by the United States with a capital stock of \$50,000,000, all owned by the United States. He cited U. S. decisions quoted in the majority opinion 'that it must be regarded as an entity separate from the United States.'"

Justice Bronson refers to the case of the State v. Hall, in which Judge Grace, in the opinion of the court, upheld the state in its contention that the debt limit of the state was \$2,000,000. He further referred to Judge Grace's characterization in the same opinion of the Bank of North Dakota as a fiscal agency.

**Recognizes Limit.**  
"Does not this opinion both recognize a constitutional debt limit and the Bank of North Dakota as an

## TRAINED MEN FOR ACCOUNTING FIRM

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agency?" asked Judge Bronson. Continuing, he says: "If every act of the Bank of North Dakota is the act of the state itself, if every obligation and indebtedness created is the obligation and indebtedness of the state itself, how can there be any escape from the conclusion that the Bank Act must necessarily operate contrary to the constitution of this state, both with reference to indebtedness created or to be created not warranted by constitutional provisions, and, with reference to loans to private individuals or private corporations?"

Referring to the loan of \$1,000,000 made of a Chicago financial house by the Bank of North Dakota, the purchase of bonds by the bank, Justice Bronson asks the question: "What may be said of a judicial promulgation which would state to the people of this state that indebtedness without limit or to any extent might be incurred by the Bank of North Dakota as the direct obligation of the state in defiance of such constitutional provisions? Can the Bank of North Dakota, representing the state, as such, engage in contracts, create indebtedness, make loans and do things that the state itself cannot do directly by reason of constitutional prohibitions? Complaint is made that the majority opinion has quoted decisions concerning state banks of the south which concern corporations created as such. Do not these decisions demonstrate that the sovereign power may create an agency, a sovereign agency, and give to such agency a status and that it is not necessary that it be termed a corporation in order that it do have the status of an agency? Does it not sufficiently appear that, necessarily, the Bank Act does create an agency of the sovereign power engaged in an enterprise with a distinct status as such, necessarily so to be regarded, in order that the constitutional provisions and the will of the people expressed in the legislative act may function in the enterprises designated?"

**Justice Grace Dissents.**  
Judge Grace, further dissenting, says that the majority opinion in effect declares the Bank of North Dakota private banking institution and the decision has been so interpreted by the public press and others. He denies this is correct, declaring the State of North Dakota is directly engaged in business.

He asks the question: "When \$1,000,000 was borrowed in Chicago and a note given therefor, was such note a direct indebtedness of the state, or of the bank?"

"The answer is clear," he says, "that it was the indebtedness of the state, for it is the State of North Dakota that is engaged in the banking

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business, in its sovereign capacity, and this in pursuance of Article 185 of the Constitution as amended, and Chapter 147 and laws supplementary thereto. No other answer is possible."

He declares that the bonds put up as collateral for this note were the property of the State of North Dakota, in its sovereign capacity.

**Quotes Hall Status.**  
He quotes the status of the railroads under government control as supporting his position, declaring that the United States, in its sovereign capacity, went into the railroad business.

Justice Grace reviews the arguments advanced by him in his first dissenting opinion, taking the position throughout that the State of North Dakota elected to enter into such business. He refers in his concluding remarks to the decline in agricultural prices, which he calls a direct tax upon the farmers, and says it has caused them to migrate to cities to enable them to make a livelihood, and declares that the state elected to go into

business "in order to prevent this loss, which is fast bankrupting the farmers of this state."

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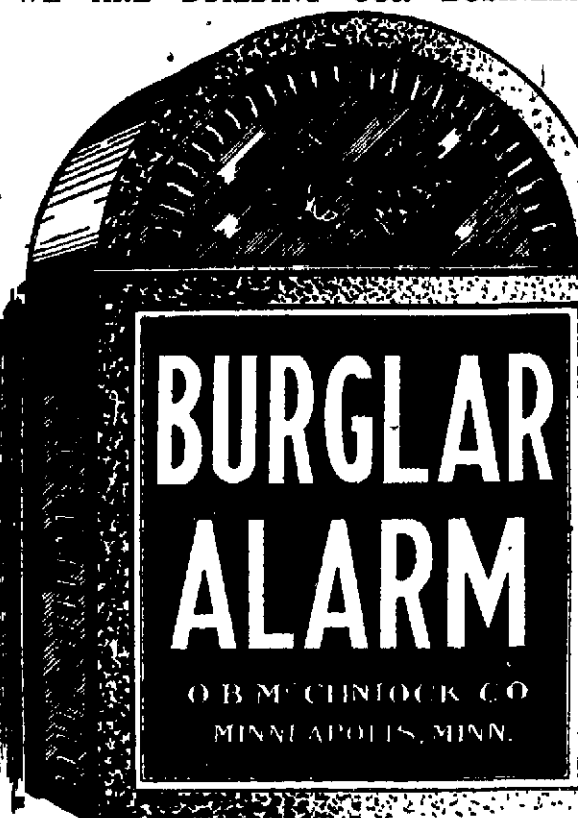
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THE STATE'S OLDEST NEWSPAPER  
(Established 1873)

THE OLD HOME TOWN

BY STANLEY



UNCLE DODE TUCKER SAYS THE SPRING BUILDING BOOM IS HERE, SO FAR HE'S SHARPENED THIRTEEN SAWS AND MADE FOUR HAMMER HANDLES—

Every nation always spends all that is earned annually.  
The way to stabilize price levels is to control both the quantity of money and the average velocity with which it circulates.  
Every European nation made the blunder of printing paper money during the war, thus inflating prices.  
Wages doubled for American workers between the years of 1859 and 1909. At the same time, commodity prices remained practically unchanged. Hence the buying power of average wages doubled in that 50-year period.  
A panic was started during the recent slump in prices by the fact that the banks could draw upon the federal reserve for reserve notes in exchange for commercial paper.  
Gillette's algebraic system of forecasting prices may puzzle us, his economic theories may outrage us, but we must agree that there's a leaven of common sense in his arguments.

WHAT DETERMINATION DID

Honore De Balzac, French novelist, was a descendant of day-laborers. His father sought to dissuade him from the pursuit of literature.  
"In literature," said the father, "a man must be either a king or a beggar." "Very well," replied the son, "I'll be a king."  
For 12 years thereafter he battled with hardships and extreme poverty in a garret, but today his books are ready in every civilized country of the globe.  
It was Napoleon's determination, also, which made him Emperor of France. This was emphasized when thousands of his soldiers were dying of the plague in Egypt, he visited them to show that he was not afraid of the scourge.  
To go, said his advisors, was to court certain death, but Napoleon sneered, went, and contracted nothing worse than greater self-confidence.

CLOSE TO YOUR POCKETBOOK

Your cost of living is determined, in the long run, by the prices of raw materials. Those prices now average only a fifth more than in 1913. In other words, four-fifths of the rise that took place during the war has been canceled.  
This is revealed by the price index published by Bradstreet's which covers the prices of the 96 principal necessities of life—such as metals, coal, breadstuffs, hides, leather, textiles and oil.  
The Bradstreet index takes a given amount of each of these commodities and adds the price. How that price rose from its pre-war level to its highest wartime point and what it is now is shown in these Bradstreet figures.  
December, 1913, ..... \$ 9.22  
February, 1920 ..... 20.86  
March 1, 1921 ..... 11.86  
The steady drop during the last 10 months has been at a rate that, if continued, will bring basic prices—of raw materials—down to the 1913 level by May 1, 1921.  
On that date, according to calculations of expert observers including the National Bank of Commerce in New York, the first stage of deflation will probably be completed—the first nails driven in the coffin of depression.  
It may come sooner. It may be delayed. But indications now are that the beginning of the end is in sight.  
The man who wrote, "There is no place like home," probably stayed downtown for dinner during housecleaning time.

EDITORIAL REVIEW

Comments reproduced in this column may or may not be the opinion of The Tribune. They are presented here in order that our readers may have both sides of important issues which are being discussed in the press of the day.

CAUSE OF CRIME WAVE

At last we have it—the cause of the crime wave. Not the war, except possibly partly as the sequences of the war have affected employment. Not a moral back wash. But the mild winter.  
The head of the psychology department of Syracuse university has given us the secret. Energy, which otherwise would be expended in resisting the cold, has been released by the warm weather for something else. The scarcity of work quickly suggests to the weaker characters a career of crime. Just an effervescence of energy. If the winter had been cold we would not have had the crime.  
The professor reminds us that in the arctic there is little crime. The reason is that Eskimaux use all their energy in keeping warm. In Africa and other hot countries it works just the other way. The natives are too busy keeping cool to give themselves to devilment.  
The thermometer is therefore a barometer of crime. We have had an inkling of this before from crime statisticians, who have observed that there are more crimes and especially crimes against the person, in out hot seasons than in our cold seasons, but they attributed it simply to irritability from the discomfort caused by the heat. They did not give the away down deep, philosophical, psychological explanation. That is a product of more recent psychological research.  
The way, then to cure criminals is to freeze them out or give them a tropical sweat. The police headquarters sweatbox may be more scientific than was dreamed of.  
We have been advised that psychology has in recent years made wonderful advances. Great is psychology.—Omaha World Herald.

JUST JOKING

In the spring a man's fancy sadly turns to thoughts of back beer. Detroit Free Press.  
Hires a Substitute.  
"Doesn't Howard ever tell his wife just how horrid she is?"  
"No, he hires the cook to do it for him."—Life.  
The American farmer is down and out—down at sunrise and out in the field.—Pittsburg Press.  
Transparent.  
"That pongee waist on that woman is a good joke."  
"Where do you see any joke?"  
"Why, can't you see through it?"—Los Angeles Record.  
In spite of prohibition there's more Rhine wine than ever.—Philadelphia Public Ledger.  
Sensitive.  
The jostle in the movie's blue—Yet Maude says—poles peev her; No matter what the color is. They all give her may fever.—Cartoons Magazine.  
Enterprising bartenders will now change their white aprons for medical college degrees.—Burlington (Vt.) News.  
A Realist.  
"He's too great a stickler for truth, ever to make a successful novelist. Did you hear how he ended his last book?"  
"No."  
He wrote: "And they were married and lived scrappily ever afterward."—Boston Post.  
There is poetry in pies, says an advertisement. Yes, and music in soup.—Wichita (Kan.) Beacon.  
An Offset.  
"Two hundred dollars! That's a rather large fee for your treatment, doctor."  
"Not at all. You save that amount, at least, in the diet I prescribed for you."—Enid (Okla.) News.  
A professor says the best jobs are held by college graduates. Especially graduates of the electoral college.—Cleveland News-Leader.  
Eugene Debs strikes many as a man who is still in because he was too out and out.—Detroit News.  
As spring approaches, it's easy to see what the frogs have to croak about. They're full of hops.—New Britain (Conn.) Herald.  
The Republicans promise to protect home industries. Does that apply to home brewers?—Santa Rosa (Cal.) Republican.  
Despite the movie regulation, we hold that the proper way to measure a kiss is with the thermometer, not the yardstick.—Greenville (S. C.) Piedmont.  
Twelve to a Case.  
Biggs—There goes a reliable fellow. Never lost a case of mine.  
Jiggs—Your attorney, eh?  
Biggs—Attorney nothing! He's the

ADVENTURES OF THE TWINS

By Olive Barton Roberts



Lumpy almost fell on his nose.  
All day long Nancy, Nick and Filppty-Flapp, assisted by Mr. and Mrs. Lion, taught Lumpy and Luis how to do circus tricks. The lion babies soon found that it was not only easy to balance themselves or only ends of a saw-saw, but great fun as well, and after they had learned it was hard work to get them off.  
Next they tried the great red and white ball. Lumpy got on first and almost fell on his nose. He hadn't learned the trick of keeping his four paddy-feet from slipping off the top. Climbing the ladder and down you knew how; and jumping through a hoop! Why, there was nothing to it, really. It was more fun still when white paper was pasted over and you went through with a beautiful tearing sound.  
Mrs. Lion was so proud of her children that the almost got neuralgia from smiling. "Oh, if there was only a crowd to applaud!" she kept saying over and over. "I wish the whole world could see what smart children we have, Leo!"  
Mr. Lion switched his tail and looked thoughtful.  
"Yes, Lily, you're right," he answered. "I wish we could go back. But as long as Mr. Filppty-Flapp and Nancy and Nick stay, we're all right here, aren't we?"  
"But we can't stay," declared Nick. "We're going home today."  
Mr. Lion's face fell. "Well, Well, well," said he. "That settles it. Lily, pack up our nighties and tooth-brushes, and we'll go at once. The children have to learn how to swim practice."  
Filppty-Flapp whispered to Nancy. "It looks as though we might have a circus, after all, this spring back in the Land-We-Came-From, doesn't it?"  
(To Be Continued.)  
(Copyright, 1921, N. E. A.)

EXPOSURE ACHES - RHEUMATIC PAINS

Sloan's Liniment, kept handy, takes the fight out of them.  
SLOSHING around in the wet and then—the dreaded rheumatic twinges! But not for long when Sloan's Liniment is put on the spot!  
Pains, strains, sprains, rheumatism, neuralgia, backache are promptly relieved. Keep a bottle handy. Get on today if you've run out of Sloan's Liniment. It's so warming.  
All drugists—35c, 70c, \$1.00. The largest bottle holds six times as much as the smallest.



AT THE MOVIES

MIRIAM MICHELSON AND CHANNING POLLOCK  
Double credit must be given for "She Couldn't Help It." Miriam Michelson wrote the novel which went into multiple editions and millions of copies. Channing Pollock is responsible for the play. Both are famous literary lights, the latter, especially, being internationally known for more than a score of plays of which he is sole or part author, besides many dramatizations of popular novels, such as the present production of the Michelson novel. Among Mr. Pollock's best known plays should be noted "The Little Gray Lady," "Such a Little Queen," "The Hearty Shop," "A Perfect Lady," "Roads of Destiny," "The Crowded Hour," and "A Room at the Bix."  
Bebe Daniels plays the leading role and proves that she is thoroughly at home in a story of adventure, as well as in straight comedy. The bill will include one of Larry Semon's greatest comedies, "The Grocery Clerk," and is said to be one big laugh from start to finish. These two features will be the attractions, at the Orpheum tonight.

BIG CAST FOR "MAN-WOMAN-MARRIAGE"

Dorothy Phillips, exquisite star of Allen Holubar's great First National drama-epic, has the support of a remarkable cast in "Man-Woman-Marriage"—the photoplay sensation of a decade.  
In the selection of the magnificent cast the entire motion picture field was combed with the object of affording this picture the best talent of the screen. Without regard to expense Allen Holubar secured the services of the men and women best fitted to portray the lesson this film cannot fail to teach.  
Among the great array of histrionic artists supporting Miss Phillips are: James Kirkwood, Ralph Lewis, J. Barney Sherry, Robert Cain, Margaret Mann, Shannon Day, Emily Chichester, Frances Parks and "Peaches" Jackson. To these must be added Marion Morgan and her famous dancers.  
The salary of this great cast, alone, would equal the total expense of the production of an average screen drama. "Man-Woman-Marriage," 3 months in the making, cost to produce, \$400,000, an average of \$4,000 per foot. This makes it the most expensive picture ever filmed.  
This spectacular attraction will be shown at the Eltinge commencing a week from tonight.  
Belgian workers who have served long in one occupation get "Industrial decorations" by the government.  
The United States has foreign trade corporations with a combined capital and surplus of more than \$62,000,000.

Blood Will Tell

In your grandfather's time a man lived a vigorous, outdoor life. The red blood of courage was in every line of his face and showed in every muscle of his body. In those days folks treated their own maladies with household remedies, and when your grandfather felt bilious, thick-headed, tired before the day was over, he would take some simple remedy such as Dr. Pierce's Golden Medical Discovery, an attractive and tonic for stomach and blood which has been popular and successful for over fifty years. No man can do his work with stomach out of order—blood thin, pimply—feeling dull or languid. Make your blood redder and your health better by going to your nearest druggist and obtaining Dr. Pierce's Golden Medical Discovery in tablet or liquid form. Made of Blood root, Oregon Grape root, Quercus root, Stone root, without alcohol. These roots have a direct action on the stomach, improving digestion and assimilation, and they aid in blood-making. Send 10 cents to Dr. Pierce's Invalids' Hotel in Buffalo, N. Y., for a large trial package of Golden Medical Discovery tablets and write for free confidential medical advice.

FARMERS ATTENTION

DON'T SELL HIDES AND FURS ON THE PREVALENT MARKET. Use them to a good advantage instead of scattering them at the present low price. Let us take them into fur sets, robes, coats or leather. Send for free price list and inquire if you prefer to sell us at always the highest market price. THE BISMARCK HIDE & FUR CO. BISMARCK, N. D.

EVERETT TRUE

BY CONDO



MOTHERS, DO THIS—

When the Children Cough, Rub Musterole on Throats and Chests

No telling how soon the symptoms may develop into croup or worse. And then when you're glad you have a jar of Musterole at hand to give prompt, sure relief. It does not blister. As first aid and a certain remedy, Musterole is excellent. Thousands of mothers know it. You should keep a jar in the house, ready for instant use. It is the remedy for adults, too. Relieves sore throat, asthma, tonsillitis, headache, congestion, pleurisy, rheumatism, lumbago, pains and aches of back or joints, sprains, sore muscles, chilblains, frosted feet and colds of the chest (it often prevents pneumonia). 30c and 65c jars; hospital size \$3.00.









## ELTINGE

Big  
Features  
Only

Last Time Tonight

Wm. S. Hart

'O'Malley of the Mounted'

Coming Monday, April 11th  
The Mightiest Drama Since the "Birth of a Nation"

"Man, Woman, Marriage"

The Love Story of the Ages! Thousand of Players—  
Vivid Drama—Sweeping Panoramas of Life and Strife.

9. AMAZING REELS. 9

BISMARCK  
THEATRE

Admission Only 25c

Last Showing Tonight

MAY ALLISON

in

"EXTRAVAGANCE"

also

CHARLIE CHAPLIN

in

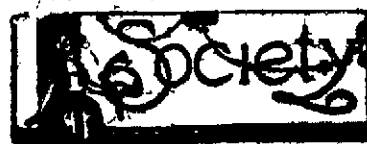
"Easy Street"

Tomorrow

Alice Joyce

in

"Her Lord and Master"

DR. BRANDT  
JOINS BENEDICT

A marriage of interest to many people of Bismarck was solemnized in Minneapolis on March 31st, when Miss Evelyn Miner of Minneapolis, became the bride of Dr. Albert Benedict Brandt of Bismarck. The bride is the daughter of Mr. and Mrs. Randolph Henry Miner and is well known in professional and social life in Minneapolis. Dr. Brandt is one of the staff of physicians in the Quin and Ramstad firm and is one of the "best known and most popular of the city's family physicians."

Following an extended trip the young couple will be at home in Bismarck after June 20, where a hearty welcome awaits them.

## BRIDE GOES TO KANSAS CITY

Yesterday morning at 9 o'clock Miss Augusta M. Agatha Garcke of Bismarck became the bride of Mr. Marion Edgar West of Kansas City. The marriage service was read by Father John Slag at St. Mary's cathedral, with Miss Florence Garcke and Mr. William Garcke, brother and sister of the bride, as attendants.

The bride wore a blue tulle-trimmed gown and carried an arm bouquet of pink roses. Her bridesmaid was attired in brown silk. Following the ceremony a wedding breakfast was served at the home of the bride's parents on First street. The young couple will leave this evening for the south, visiting the bride's relatives in St. Paul enroute. After spending two months at the farm home of the groom's father at Versailles, Missouri, they will be at home in Kansas City. The bride has many friends in Bismarck who wish them every success in their new home.

## MILK SERVED TODAY

This morning, just before the recess hour, milk was served all children in the lower grades who have been reported under weight by the school nurse. The milk was served in half pint bottles with straws for the children. To aid in procuring the milk supply, a fund is being secured by the Bismarck Community Council. The women will canvass that portion of the business district not already covered. They will appear some day during this week, though several business men have voluntarily sent in donations to the good cause. Each child may bring 15¢ a week if it can be arranged at home, but all underweight children are to be served the milk anyway. Mr. E. B. Bannon is chairman of the finance committee to secure the milk fund.

## BIRTHDAY CLUB ENTERTAINED

Mrs. Taylor was hostess yesterday afternoon to the Birthday Club at the home of her son and daughter, Mr. and Mrs. Theodore Taylor, on West Thayer. Cards were the diversion, three tables being in play. The Birthday Club is the oldest social club in the city, having been organized nineteen years ago. Of the charter members, but two remain, Mrs. Taylor and Mrs. D. C. McLean. The hostess was assisted in serving a dainty repast by her daughter, Mrs. Anna Logan Taylor. An out-of-town guest was Mrs. Annie Clark of Garrison, who is the house guest of the Taylors.

## YOUNG FARMERS WED.

Probably the most youthful bride and groom of the year were married in Bismarck on Saturday, April 2nd, when Stella Henrietta Helgeson of Arena became the bride of Carl Walter Beyer of Driscoll. The marriage service was read by Rev. Edward Frederick Alfton of the Lutheran church. The bride is sixteen and the groom 18. The young couple will make their home on a farm near Driscoll. The parents of both bride and groom were of the wedding party in Bismarck.

## SUNDAY IN BISMARCK

The University of North Dakota Girls' Glee Club spent Sunday in Bismarck, en route to Dickinson for a concert on Monday. There are twenty girls in the group, with Dorothy Wright, Odina Olson and Dorothy Healy as soloists, and Doris Payne as an interpretative dancer. While in Bismarck the young women sang in the auditorium of the state penitentiary.

## MRS. THOMPSON HOSTESS

Mrs. E. M. Thompson was hostess last evening at her home on 3rd street to the G. L. G. club. Cards were the diversion. The record scores being made by Mrs. Ralph Madland and Mrs. J. E. Bankston. An elaborate course luncheon was served by the hostess.

## MEMBERS BRING GUESTS

Each member of the Business and Professional Women's club is expected to bring a guest this evening to hear Dr. Eric P. Quail in his travel talk before the club in their club room. This talk is looked forward to with much interest by the club members.

## ENTERTAINS FOR MRS. CLARK

Mrs. C. A. Rust was hostess this afternoon at her home at 419 Sixth street, in compliment to Mrs. Annie Clark of Garrison. Two tables of cards were played and the hostess served luncheon at the close of the play.

## MRS. FITCH HOSTESS

The Current Evening club will meet Wednesday afternoon at 3 p. m. at the home of Mrs. N. B. Fitch, 514 Fifth street. There will be an interesting program and all members are urged to be present.

## SUCCESSFUL PARTY

The Yeoman carnival dance was one of the most enjoyable of the series scheduled by that lodge for the season's social affairs. More than seventy-five couples enjoyed the dance program which included many fancy numbers.

## CHICAGO GUESTS

Mr. and Mrs. C. W. Hollingsworth stopped off in Bismarck this morning enroute to California, and will be the house guests of S. F. Hollingsworth.

## PROFIT BY THIS

## Don't Waste Another Day

When you are worried by backache; By lameness and urinary disorders; Don't experiment with an untried medicine. Follow Bismarck people's example. Use Doan's Kidney Pills. Here's Bismarck testimony. Verify it if you wish: N. M. Danrot, carpenter, 511 7th St. N. says: "Some years ago I had a bad spell of kidney trouble. My back never let up aching for several weeks and my kidneys were in bad shape and the secretions contained sediment. I felt all worn out and took several boxes of Doan's Kidney Pills and they did just as represented. After a day's treatment I was rid of the trouble. I have previously recommended Doan's and I am glad to again give my endorsement." Price 60c. at all dealers. Don't simply ask for a kidney remedy—get Doan's Kidney Pills—the same that Mr. Danrot had. Foster-Milbourn Co., Mfrs., Buffalo, N. Y.

and Mrs. Hollingsworth on First street for a few days.

## CITY NEWS

## From Driscoll

Mr. and Mrs. O. R. Billington of Driscoll spent the week-end in Bismarck.

## Baby Son

Mr. and Mrs. W. M. Cool are parents of a son born at the Bismarck hospital on the 31st.

## Returned From Vacation

Miss Henrietta Beach of the Provident Life Company offices, returned recently from a vacation trip to Michigan.

## Returns Home

Miss Dorothy Bascom of Wilton schools, returned yesterday after a week's vacation spent in Bismarck with Mrs. A. W. Carlson.

## Light Rain

The rain which fell in Bismarck last night amounted to just .07 of an inch, according to the weather bureau report. Cloudy, rainy weather was generally reported over the state.

## Banker Here

J. M. Stutland of Bowman, was in the city today on his way to find where he will assume the receivership of a bank. Mr. Stutland has been associated with a bank in Bowman.

## Ferry to Start

The Missouri river ferry will begin operations for the season within a day or two. With the ice practically out of the river, the ferry was taken out of winter quarters yesterday and as soon as the landing place on the Mandan side is complete the ferry will resume operations.

## Frightful Accident

Eddie Singbell, a Burmsted, N. D. boy, was dreadfully injured while trying to catch on to a moving buggy. He slipped and his leg became caught in the rapidly moving wheel, twisting the limb at the knee so that amputation was necessary. He is now at a local hospital in Bismarck.

## Bids For Garbage Hauling

The city commission will advertise for bids about May 1 for garbage hauling and sprinkling. For garbage hauling the city will advertise for one team and a driver, who shall be ready to furnish an additional team when necessary. The city commission meeting last night was short. In addition to going over a few bills the commission received the report of the city weigher, who collected \$188 during the month of April.

## Groce's Is the Only Genuine

Laxative BROMO QUININE tablets. The first and original Cold and Grip Tablet. (Be sure you get BROMO.) 30c.

## WAS IN BED THREE DAYS

Mrs. Josie Reed, 217 N. East St. Tulsa, Okla., writes: "I was in bed three days with my back I took Foley Kidney Pills and in two days was at my work again. I cannot praise your medicine too much." Foley Kidney Pills stop bladder irregularities and strengthen the kidneys. They help eliminate from the system the poisons that cause backache, rheumatic pains, etc.

## Fortunes Blown Away

Men build and buy houses

and buildings that they may

have places to live and do bus-

iness in.

But houses can be lost. They

can be stolen away and you

can't identify your property.

Wind does it.

Buy a Hartford windstorm

insurance policy from us and

get your invested money back

if the investment is blown to

ruins.

**MURPHY**

"The Man Who Knows Insurance"  
Bismarck, N. D.

## Ginghams---

If you please!



This is National Gingham Week

A very splendid collection of fine quality, carefully selected ginghams are on display this week at Lucas's.

Ginghams have graduated from the kitchen and now are quite the thing most anywhere they go. The silk finish ginghams are even rivaling the summer silks.

If your blouse isn't of gingham, it's very chic to have it trimmed with gingham—even though it is a silk blouse. And, it seems, the latest bathing suits are of gingham, too!

Curtains of tiny checked-ginghams have made quite a hit—imagine a pink and white checked gingham in a child's room or a crisp blue and white in a kitchen!

In short ginghams were never more popular and never more beautiful and altogether dainty as those of Spring 1921.

Mentioned below are four of our big line of ginghams. Note how much lower they are in price than last year.

## 27-in Ginghams

Big and little checks, large and small plaids—  
a wide range of colors—  
A good quality, yard ..... 25c

## Tissue Ginghams

One of the loveliest of the new gingham—in  
dainty light colored plaids.  
Yard ..... 89c

## Plain Ginghams

These are here in gray, brown, blue, pink, green,  
and yellow—much wanted shades  
Yard ..... 35c

## Zephyr Ginghams

Checks and plaids—beautiful color combinations—  
in very fine, firm quality  
Yard ..... 85c

**A. W. LUCAS CO.**

The store of quality, service and lower prices

stiff joints, sore muscles, swollen hands and feet, puffiness under the eyes. Adv.

## WEATHER REPORT

For twenty-four hours ending at noon, April 4:  
Temperature at 7 a. m. .... 31  
Highest yesterday ..... 32  
Lowest yesterday ..... 24  
Lowest last night ..... 30  
Precipitation ..... .07  
Highest wind velocity ..... 30-NW

## Forecast

For North Dakota: Cloudy and

## INGROWN NAIL

Toughen Skin and Toe Nail  
Turns Out Itself

A few drops of "Outgro" upon the skin surrounding the ingrowing nail reduces inflammation and pain and so toughens the tender, sensitive skin underneath the toe nail, that it can not penetrate the flesh, and the nail turns naturally outward almost over night.

"Outgro" is a harmless, antiseptic manufactured for chiropodists. However, anyone can buy from the drug store a tiny bottle containing directions.



## COMING

Concert and Vaudeville

Grand Forks

High School Symphony Orchestra

40 Musicians Now Touring the State  
Presenting a high class program of Orchestra Music, Solos, Specialties, and Vaudeville Acts.

at the

HIGH SCHOOL GYMNASIUM

WEDNESDAY EVENING,

APRIL 6th AT 8:15 P. M.

Prices 55c and 30c, including War Tax

FUN AND MUSIC INCLUDED IN  
GRAND FORKS ORCHESTRA PROGRAM

The appearance of the Grand Forks High School Symphony orchestra of 40 pieces at the High School gymnasium tomorrow night, April 6, is looked forward to with interest by music lovers in the city. The orchestra is said to be one of the best of the state of North Dakota.

The program is divided into two parts, the first consisting of a vaudeville of six acts, the second a symphony orchestra concert with soloists. The program is well arranged to provide lively entertainment all of the time.

The vaudeville acts include Miss Margaret Gillette as La Petite Dans

cuse, in interpretative dancing; a song and dance by the "Yama Yama girls"; "Hypnotism Exposed" with all the tricks of the trade; "The Soap

Scene from Naptha," a real burlesque, and a musical extravaganza requiring eighteen performers. The second part of the program or entertainment, which is the Symphony Orchestra concert, such compositions will be played as the Egyptian-ballet by Eugene Schauspieler-Overture by Bach, Prelude in C sharp minor by Rachmaninoff, Calif. of Bagdad by Beethoven, symphonic movements by Beethoven, Tchaikovsky and Mozart, and genuine American music from the pens of such composers as Victor Herbert whose Dances in Toyland is featured; Hall, America's march by Drumm, DeKoven's famous Robin Hood selection; Sousa's celebrated Stars and Stripes Forever march, and many others with a sprinkling of the popular airs of the

day. This is a program of music and mirth to suit all tastes, and great care has been exercised in making this an entertainment that will please everyone who is fortunate enough to be in the audience.

Soloists announced are as follows: Marie Filteau and Blanche Deary, violinists; Jerome Mayer, flutist; "Ernie" Montgomery, bassist; and Prof. Moses, the conductor, who is an artist on the violin and cornet will appear as a cornetist.

MANDIGO RITES  
AT M. E. CHURCH

Funeral services for Mrs. Wellington Mandigo, who succumbed Monday night following an illness of pneumonia, will be held at the Methodist church at two o'clock tomorrow afternoon. Mrs. Mandigo was a devoted member of the church.

## TOO LATE TO CLASSIFY

WANTED—Show cases from five to seven feet long. Write P. O. Box 212, or Phone 395R, evenings. 4-5-21

FOR RENT—Large front room in modern house. Two blocks from postoffice. Phone 282L. 311 Second Street. 4-5-21

FOR RENT—Two rooms in modern house, centrally located, 523 4th St. Phone 213-L. 4-5-21

## A Word to the Wise

"In March I was called to the bedside of my sister in Brown, Alabama. She was given up to die and was almost dead. Talked in a whisper. Doctors said nothing but an operation would save her and she was too weak for that. Her color was yellow as a pumpkin and she was filled with gas. That day I heard of Mayr's Wonderful Remedy and went and got a bottle for her. In three weeks she was able to be about and walked a mile to church. I am praising your medicine to everyone." It is a simple, harmless preparation that removes the catarrhal mucus from the intestinal tract and allays the inflammation which causes practically all stomach, liver and intestinal ailments, including appendicitis. One dose will convince or money refunded. Sold at All Drugists.

# April Specials

## Timely Spring Needables

Here is your opportunity, folks, to buy things you need to replace some of your old worn out cooking utensils, at prices far below the price level which has maintained during the last three years.

Just glance down this partial list and check off what you want—then come in and hand us your list, you'll be surprised how little, a number of these articles will cost.

## American Maid Aluminum

1 qt. Sauce Pan	48c	4 1/2 qt. Tea Kettle	\$2.29
1 1/2 qt. Sauce Pan	54c	6 qt. Tea Kettle	\$2.48
2 qt. Sauce Pan	59c	2 qt. Double Boiler	\$1.68
3 qt. Sauce Pan	79c	Round Double Roaster	\$1.98
4 qt. Berlin Kettle	\$1.39	Comb. Cooker	\$2.48
6 qt. Berlin Kettle	\$2.48	2 qt. Pudding Pan	69c
11 qt. Percolator	\$1.49	Omelet or Folding Fry Pan	\$1.98

These Prices During This Week Only

**Lomas Hardware Company**